

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER DEWEY,)	
)	
Plaintiff,)	
)	
-vs-)	NO. CIV-23-1028-HE
)	
JACKSON COUNTY SHERIFF'S)	
DEPARTMENT DEPUTIES, et al.,)	
)	
Defendants.)	

ORDER

On February 14, 2025, United States Magistrate Judge Chris M. Stephens issued a Report and Recommendation [Doc. #36] addressing plaintiff's Second Amended Complaint [Doc. #14] after initial screening. Magistrate Judge Stephens recommended dismissing the Second Amended Complaint in part with prejudice and in part without prejudice.

Magistrate Judge Stephens advised plaintiff of his right to object to the Report and Recommendation by March 7, 2025. To date, plaintiff has not filed any objection. Plaintiff therefore has waived the right to appellate review of the factual and legal issues addressed in the Report and Recommendation. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #36]. The Second Amended Complaint is **DISMISSED IN PART WITH PREJUDICE**:

- based on absolute prosecutorial immunity as to the claims against Jackson County Assistant District Attorney Megan Carothers for actions taken within her prosecutorial function; and
- as to claims for monetary damages against Jackson County Assistant District Attorney Megan Carothers, the Jackson County District Attorney's Office, and unnamed Department of Human Services investigators, as well as claims seeking retrospective injunctive relief against Department of Human Services investigators, as they are not "persons" under 42 U.S.C. § 1983.

The Second Amended Complaint is **DISMISSED IN PART WITHOUT PREJUDICE**:

- for mootness as to claims for injunctive relief against Jackson County Sheriff Stacy Randolph and Jackson County Jail Administrator Abel Gonzales;
- as barred by Heck v. Humphrey, 512 U.S. 477 (1994), for any claims of illegal prosecution;
- for failure to state a claim on which relief can be granted as to any claims regarding excessive bail;
- for failure to state a claim on which relief can be granted as to claims against Jackson County Sheriff Stacy Randolph, Jackson County Jail Administrator Abel Gonzales, and unnamed Jackson County Sheriff's Deputies regarding failure to protect, conditions of confinement, retaliation, and access to the courts—except for the claim against defendants Randolph and Gonzales regarding communications restrictions in jail with his detained co-defendant/fiancée; and
- as to all claims against defendants Anita Latham and Leslie Brown, based on plaintiff's request to dismiss these claims.

The adoption of the Report and Recommendation results in the dismissal of all claims in the Second Amended Complaint except for the portions of Claims Two and Four against defendants Stacy Randolph and Abel Gonzales in their official capacities for monetary damages for allegedly restricting plaintiff's mail to his detained co-

defendant/fiancée, which claims remain pending before Judge Stephens per the prior referral.

IT IS SO ORDERED.

Dated this 25th day of March, 2025.



JOE HEATON
UNITED STATES DISTRICT JUDGE